

REMARKS

Claims 25-27 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for the reasons noted in the official action. The rejected claims are accordingly amended, by the above claim amendments, and the presently pending claims are now believed to particularly point out and distinctly claim the subject matter regarded as the invention, thereby overcoming all of the raised § 112, second paragraph, rejections.

Claims 15, 20, 21 and 28 are rejected, under 35 U.S.C. § 102(b), as being anticipated by Rosko '666. The Applicant acknowledges and respectfully traverses the raised anticipatory rejection in view of the following remarks.

The disclosure of Rosko '666 concerns highchairs in which the seat 18 of the first embodiment described is separate from the front frame member 24 that provides the front feet 42, 43 of the frame 16. This is made absolutely clear in column 6, lines 27-36, where the seat 18 is stated at line 27 to be "movable on frame 12" ("12" is an error for "16" since the reference 12 is to rollers), and at lines 33-36, to be "mounted on frame 16" and "may slide on front frame member 24". This is clearly evident as seen in Fig. 1 of Rosko where the seat is separate and moveable up and down the plurality of slots 53 formed on the front frame member 24.

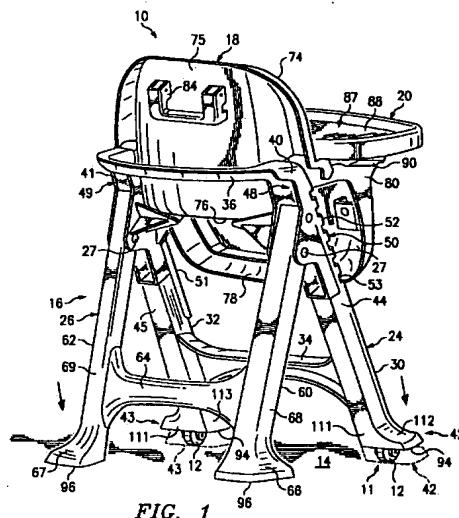


FIG. 1

The seat of the second Rosko embodiment in Figs. 11-20 is correspondingly movable.

Thus, the highchair of the amended claim 15 of the present application, in which the seat is specified as being jointed integrally in the one-piece construction with both the back-rest and the front leg-support, is clearly distinguished from the Rosko `666 disclosure. As the Examiner is aware, in order to properly support a rejection under 35 USC 102, the cited reference must disclose each and every feature of the presently claimed invention. As the specifically claimed feature of claim 15 wherein, "...the seat being joined integrally in the one-piece construction with both the back-rest and the front leg-support of the elongate member.", is not disclosed, taught or suggested in any manner by the applied reference, and therefore the Applicant respectfully requests withdrawal of the anticipation rejection.

Claims 15 and 28 are also rejected, under 35 U.S.C. § 102(b), as being anticipated by Cheng `790. The Applicant acknowledges and respectfully traverses the raised anticipatory rejection in view of the following remarks. The chair disclosed by Cheng `790 is not strictly a highchair, but in any case Cheng `790 does not have the feature required by amended claim 15, of a rear-leg support that is pivoted to "an elongate member" of the chair as specifically recited in claim 15. The Applicant has made a thorough review of the applied reference and nowhere in there disclosed, taught or suggested any pivoting of a support leg in the Cheng `790 chair.

Claims 15 is further rejected, under 35 U.S.C. § 102(b), as being anticipated by Chien `043. Although the back 10 and front legs 11 of the Chein `043 chair are in one piece, the seat 20 is separate from them as in Rosko `666. The seat 20 being pivoted to the front legs (see column 2, lines 2-5 and see FIG. 1). Accordingly, the amended claim 15 of the present application which requires the seat to be joined integrally with the front leg-support in the one-piece construction of the highchair, is distinguished from the disclosure of Cheng `043.

In the light of the above amendments and remarks, it is respectfully submitted that the amended claim 15 is distinguished patentably over each of Rosko `666, Cheng `790 and Chien `043, and furthermore since claims 20, 21 and 28 are each dependent on claim 15 either directly or indirectly, these too are each patentably distinct in view of those citations.

Turning to the obviousness rejection, claim 16 is rejected, under 35 U.S.C. § 103(a), as being unpatentable over Cheng `790 in view of Guichon `691. The Applicant acknowledges and respectfully traverses the raised obviousness rejection in view of the above amendments and the following remarks.

It is pointed out that claim 16 is directly dependent on the amended claim 15, and that as referred to above, Cheng `790 does not show the feature required by amended claim 15 of a rear leg-support that is pivoted to "an elongate member" of the chair. In this regard, furthermore, the "elongate member" of the Cheng `790 chair as identified by the Examiner in relation to the 35 U.S.C. § 102 objection, is formed by the Cheng `790 "seat, backrest and front leg-support". Even if it were obvious as the Examiner suggests to apply the Guichon `691 teaching to configure this "elongate member" as a one-piece molding, it would not result in a highchair as claimed by claim 16 since the pivoted rear leg-support would still be absent.

Moreover, the teaching of Guichon `691 is to mold the whole of a chair in monolithic form, that is to say, to include the "rear leg-support" as one with the "seat, backrest and front leg-support". Accordingly, if it were obvious to apply the Guichon `691 teaching to Cheng `790, the result of applying it would be a molded chair wholly of monolithic construction, and this would certainly be contrary to the provision of a pivoted rear leg-support as is required by claim 16 through its dependency on amended claim 15. The Examiner's suggest that "the secondary reference, i.e. Guichon `691, teaches configuring the elongate member (backrest, seat and front leg-support) of a chair as a one-piece molding is not correct – this suggestion mutilates

the Guichon '691 teaching which is directed to molding the whole chair as one, not just selected parts of it.

If any further amendment to this application is believed necessary to advance prosecution and place this case in allowable form, the Examiner is courteously solicited to contact the undersigned representative of the Applicant to discuss the same.

In view of the above amendments and remarks, it is respectfully submitted that all of the raised anticipation and obviousness rejections should be withdrawn at this time. If the Examiner disagrees with the Applicant's view concerning the withdrawal of the outstanding rejection(s) or applicability of the Rosko '666, Cheng '790, Chien '043 and Guichon '691 references, the Applicant respectfully requests the Examiner to indicate the specific passage or passages, or the drawing or drawings, which contain the necessary teaching, suggestion and/or disclosure required by case law. As such teaching, suggestion and/or disclosure is not present in the applied references, the raised rejection should be withdrawn at this time. Alternatively, if the Examiner is relying on his/her expertise in this field, the Applicant respectfully requests the Examiner to enter an affidavit substantiating the Examiner's position so that suitable contradictory evidence can be entered in this case by the Applicant.

In view of the foregoing, it is respectfully submitted that the raised rejections should be withdrawn and this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time. The Applicant respectfully requests that any outstanding objection(s) or requirement(s), as to the form of this application, be held in abeyance until allowable subject matter is indicated for this case.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read 'S. Daniels', with a stylized flourish at the end.

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